

Practitioner's Docket No. U 016156-3

CHAPTER II

IN THE UNITED STATES ELECTED OFFICE (EO/US)

INTERNATIONAL APPLICATION NO. PCT/NL2004/000615	INTERNATIONAL FILING DATE 03 SEPTEMBER 2004	PRIORITY CLAIMED 03 SEPTEMBER 2003
TITLE OF INVENTION		

METHOD OF DETECTING MULTIPLE ANALYTES

APPLICANT(S)

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Mail Stop16

Director of the United States Patent and Trademark Office

P. O. Box 1450

Alexandria, VA 22313-1450

ATTENTION: EO/US

**REQUEST FOR REFUND (37 C.F.R. 1.28(a))
FOR INTERNATIONAL APPLICATION ENTERING U.S. NATIONAL STAGE
IN U.S. ELECTED OFFICE (EO/US) UNDER 35 U.S.C. 371**

NOTE: 37 C.F.R. § 1.28(a): "(a) Refund based on later establishment of small entity status. A refund pursuant to § 1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under § 1.136. Status as a small entity is waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment of, the full fee."

CERTIFICATION UNDER 37 C.F.R. 1.10*

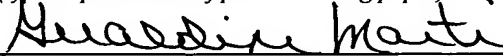
(Express Mail label number is mandatory.)

(Express Mail certification is optional.)

I hereby certify that this Request for Refund and the papers indicated as being transmitted therewith are being deposited with the United States Postal Service, on this date, May 16, 2006 in an envelope as EXPRESS MAIL POST OFFICE TO ADDRESSEE" Mailing Label Number EV 815584234 US, addressed to the: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

GERALDINE MARTI

(type or print name of person mailing paper)



Signature of person mailing paper

• Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

I. SUBMISSION OF SMALL ENTITY STATEMENT

(complete (a) or (b))

- (a) ☒ Attached is a Statement or Written Assertion claiming small entity status in this application.
- (b) ☐ A Statement or Written Assertion claiming small entity status was filed in this application on _____.

II. REFUND REQUEST

This request for refund is made within three months of the date a fee was paid in this application on February 16, 2006 in the amount of \$ 900.00.

III. FEES PAID FOR WHICH REFUND REQUESTED

	AMOUNT OF REFUND REQUESTED
<input checked="" type="checkbox"/> Filing fee under 37 C.F.R. 1.492	<u>\$150.00</u>
<input checked="" type="checkbox"/> Fees for claims under 37 C.F.R. 1.492(b), (c) or (d)	<u>\$300.00</u>
<input type="checkbox"/> Surcharge for filing the oath or declaration on the date later than 30 months from the earliest priority date (37 C.F.R. 1.492(e))	<u> </u>
TOTAL REFUND REQUESTED	<u>\$450.00</u>

IV. MANNER OF REFUND

- ☒ Crediting Account No. 12-0425
- ☐ Refunding overpayment

Reg. No. 33778

Tel. No.: (212) 708-1935

Customer No. 00140


SIGNATURE OF PRACTITIONER

Janet I. Cord
(type or print name of practitioner)

P.O. Address

c/o Ladas & Parry LLP
26 West 61st Street
New York, N.Y. 10023

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: KEIZER, Gerrit, Dirk, et al.
Serial No.: 10/568,633 Group No.: N/A
Filed: February 16, 2006 Examiner: N/A
For: METHOD OF DETECTING MULTIPLE ANALYTES

Attorney Docket No. U 016156-3

Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

WRITTEN ASSERTION OF SMALL ENTITY STATUS

This is written assertion on the basis of:

- ☐ personal knowledge;
☐ applicant's letter of _____;
☒ applicant's agent's letter of May 16, 2006; or
☐ other _____

by a practitioner (not necessarily of record) that the above application is entitled to small entity status and, therefore, fees.

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. 1.8(a)

- ☐ with sufficient postage as first class mail.


37 C.F.R. 1.10*

- ☒ as "Express Mail Post Office to Address"
Mailing Label No. EV 815584234 US
(mandatory)

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office. to (571)-273-8300

Date: May 16, 2006


Signature

GERALDINE MARTI
(type or print name of person certifying)

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

NOTE: "To establish small entity status after the payment of the basic filing or national stage fee as a non-small entity, a written assertion of small entity status is required to be submitted." Notice of September 8, 2000, 65 Fed. Reg. 54604, at 54609.

NOTE: 37 C.F.R. § 1.27(c)(1): "Assertion by writing. Small entity status may be established by a written assertion of entitlement to small entity status. A written assertion must:

- (i) Be clearly identifiable;
- (ii) Be signed (see paragraph (c)(2) of this section); and
- (iii) Convey the concept of entitlement to small entity status, such as by stating that applicant is a small entity, or that small entity status is entitled to be asserted for the application or patent. While no specific words or wording are required to assert small entity status, the intent to assert small entity status must be clearly indicated in order to comply with the assertion requirement."

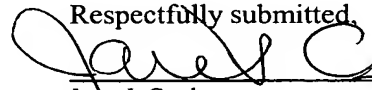
NOTE: 37 C.F.R. § 1.27(c)(2): "Parties who can sign and file the written assertion. The written assertion can be signed by:

- (i) One of the parties identified in § 1.33(b) (e.g. an attorney or agent registered with the Office). § 3.73(b) of this chapter notwithstanding, who can also file the written assertion;
- (ii) At least one of the individuals identified as an inventor (even though a § 1.63 executed oath or declaration has not been submitted), notwithstanding § 1.33(b)(4), who can also file the written assertion pursuant to the exception under § 1.33(b) of this part; or
- (iii) An assignee of an undivided part interest, notwithstanding §§ 1.33(b)(3) and 3.73(b) of this chapter, but the partial assignee cannot file the assertion without resort to a party identified under § 1.33(b) of this part."

35 C.F.R. § 1.33(b):

- (b) Amendment and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
 - (1) A registered attorney or agent of record appointed in compliance with § 1.34(b);
 - (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);
 - (3) An assignee as provided for under § 3.71(b) of this chapter; or
 - (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Respectfully submitted,



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